

Introduced by Senators Perata, Lowenthal, and Torlakson
(Coauthor: Assembly Member Laird)

February 22, 2005

An act to amend Section 21159.24 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as introduced, Perata. CEQA: infill development.

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law exempts from CEQA a residential project located on an infill site within an urbanized area that meets specified criteria, including that the site of the project is not more than 4 acres in total area and the project does not contain more than 100 residential units.

This bill would provide an alternative to those criteria if the site is located in a city with a population of more than 200,000 persons by increasing the exempted site size to 10 acres and the maximum number of residential units to 300, respectively, as determined by a resolution of the city council.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the state
- 2 should provide incentives to promote infill development and

1 smart growth in urban areas and should discourage urban sprawl
2 and the resulting adverse transportation, housing, and
3 environmental impacts.

4 SEC. 2. Section 21159.24 of the Public Resources Code is
5 amended to read:

6 21159.24. (a) Except as provided in subdivision (b), this
7 division does not apply to a project if all of the following criteria
8 are met:

9 (1) The project is a residential project on an infill site.

10 (2) The project is located within an urbanized area.

11 (3) The project satisfies the criteria of Section 21159.21.

12 (4) Within five years of the date that the application for the
13 project is deemed complete pursuant to Section 65943 of the
14 Government Code, community-level environmental review was
15 certified or adopted.

16 (5) *Either of the following criteria are met:*

17 (A) The site of the project is not more than four acres in total
18 area.

19 (B) *If the site is located in a city with a population of more*
20 *than 200,000 persons, the site is not more than 10 acres in total*
21 *area, and this site acreage is determined by a resolution of the*
22 *city council.*

23 (6) *Either of the following criteria are met:*

24 (A) The project does not contain more than 100 residential
25 units.

26 (B) *If the site is located in a city with a population of more*
27 *than 200,000 persons, the project does not contain more than*
28 *300 residential units and this number of units is determined by a*
29 *resolution of the city council.*

30 (7) Either of the following criteria are met:

31 (A) (i) At least 10 percent of the housing is sold to families of
32 moderate income, or not less than 10 percent of the housing is
33 rented to families of low income, or not less than 5 percent of the
34 housing is rented to families of very low income.

35 (ii) The project developer provides sufficient legal
36 commitments to the appropriate local agency to ensure the
37 continued availability and use of the housing units for very low,
38 low-, and moderate-income households at monthly housing costs
39 determined pursuant to paragraph (3) of subdivision (h) of
40 Section 65589.5 of the Government Code.

1 (B) The project developer has paid or will pay in-lieu fees
2 pursuant to a local ordinance in an amount sufficient to result in
3 the development of an equivalent number of units that would
4 otherwise be required pursuant to subparagraph (A).

5 (8) The project is within one-half mile of a major transit stop.

6 (9) The project does not include any single level building that
7 exceeds 100,000 square feet.

8 (10) The project promotes higher density infill housing. A
9 project with a density of at least 20 units per acre shall be
10 conclusively presumed to promote higher density infill housing.
11 A project with a density of at least 10 units per acre and a density
12 greater than the average density of the residential properties
13 within 1,500 feet shall be presumed to promote higher density
14 housing unless the preponderance of the evidence demonstrates
15 otherwise.

16 (b) Notwithstanding subdivision (a), this division shall apply
17 to a development project that meets the criteria described in
18 subdivision (a), if any of the following occur:

19 (1) There is a reasonable possibility that the project will have
20 a project-specific, significant effect on the environment due to
21 unusual circumstances.

22 (2) Substantial changes with respect to the circumstances
23 under which the project is being undertaken that are related to the
24 project have occurred since community-level environmental
25 review was certified or adopted.

26 (3) New information becomes available regarding the
27 circumstances under which the project is being undertaken and
28 that is related to the project, that was not known, and could not
29 have been known, at the time that community-level
30 environmental review was certified or adopted.

31 (c) If a project satisfies the criteria described in subdivision
32 (a), but is not exempt from this division as result of satisfying the
33 criteria described in subdivision (b), the analysis of the
34 environmental effects of the project in the environmental impact
35 report or the negative declaration shall be limited to an analysis
36 of the project-specific effect of the projects and any effects
37 identified pursuant to paragraph (2) or (3) of subdivision (b).

38 (d) For the purposes of this section, “residential” means a use
39 consisting of either of the following:

40 (1) Residential units only.

- 1 (2) Residential units and primarily neighborhood-serving
- 2 goods, services, or retail uses that do not exceed 15 percent of the
- 3 total floor area of the project.